

ROBINSON BROG LEINWAND GREENE GENOVESE & GLUCK P.C.
875 THIRD AVENUE
NEW YORK, NEW YORK 10022-0123

(212) 603-6300

FAX (212) 956-2164

Fred B. Ringel
(212) 603-6301
fbr@robinsonbrog.com

March 13, 2015

VIA FEDERAL EXPRESS

Honorable Deborah A. Batts
United States District Court Judge
United States District Court
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2510
New York, NY 10007-1312

RE: 15-CV-580-DAB

Dear Judge Batts:

The undersigned represents MBM Development, LLC ("MBM Dev.") and MBM Entertainment, LLC ("MBM Ent.", collectively referred to as "MBM"), two (2) of the Defendants in the above-captioned removed action. Both entities are debtors in chapter 11 cases pending before the Honorable Michael E. Wiles in the United States Bankruptcy Court for the Southern District of New York which are styled as *MBM Entertainment LLC*, Case No. 14-10991-MEW, and *MBM Development, LLC*, Case No. 14-10992-MEW. These cases are being jointly administered as *MBM Entertainment LLC et al*, Case No. 14-10991-MEW.

We write to request that the Court transfer this removed proceeding to the United States Bankruptcy Court for the Southern District of New York to be administered under the jointly administered bankruptcy case of MBM. For reasons unknown to us, Plaintiff's counsel has not applied to have this case transferred to the Bankruptcy Court. However, two previously removed actions involving the same parties and closely related claims had been transferred after a request by Plaintiff. The prior removed actions, case nos. 14-CV-06574 and 14-CV-06569, were transferred without opposition by Judge Scheindlin to the Bankruptcy Court for administration with connection with the respective MBM cases.

Counsel to Plaintiff has already consented to this removed action being administered by the Bankruptcy Court in the event it was transferred. In that regard, I enclose a courtesy copy of the Amended Case Management and Scheduling Order recently entered by Judge Wiles. As the Court can see from the third caption and from

ROBINSON BROG LEINWAND GREENE GENOVESE & GLUCK P.C.

Honorable Deborah A. Batts

March 13, 2015

Page 2

Item 11 in the scheduling order, the parties have contemplated that this matter will ultimately be transferred to the Bankruptcy Court for an expedited trial date on April 21, 2015.

Accordingly, we respectfully request that this Court transfer this removed action to the United States Bankruptcy Court for the Southern District of New York as soon as practical.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Fred B. Ringel', with a long horizontal flourish extending to the right.

Fred B. Ringel

FBR:tef

Enclosure

cc: Andre Soleil, Esq. (with enclosure) -- via Federal Express

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

JANINA Y. DAVIS,

Plaintiff,

-against-

Adv. Pro. No. 14-02231-MEW

**M&M DEVELOPER, LLC, MOUSSA
YEROUSHALMI, MURAD YEROUSHALMI
AND ALTRIA, LLC**

Defendants.

-----X

JANINA Y. DAVIS,

Plaintiff,

-against-

Adv. Pro. No. 14-02386-MEW

**MOUSSA YEROUSHALMI, MURAD
YEROUSHALMI, FARZENA
YEROUSHALMI, MBM DEVELOPMENT, LLC
AND M&M DEVELOPER, LLC**

Defendants.

-----X

JANINA Y. DAVIS,

Plaintiff,

-against-

Adv. Pro. No. _____-MEW

**M&M DEVELOPER, LLC, MOUSSA
YEROUSHALMI, MURAD YEROUSHALMI,
FARZENA YEROUSHALMI AND MBM
DEVELOPMENT, LLC,**

Defendants.

-----X

AMENDED CASE MANAGEMENT AND SCHEDULING ORDER

The Case Management and Scheduling Order is entered by the Court, following a
Scheduling Conference held on February 19, 2015, and the parties joint request on March 9,

2015 to amend this order and the Court hereby amends the case management and scheduling order and fixes the following dates and deadlines as listed below, and it is therefore ordered:

1. Plaintiff shall provide Debtor/Defendant and Wells Fargo counsel with a narrowly tailored document request so it is received no later than February 23, 2015 at 12:00 noon (the "Requests").

2. If there is any dispute with the Requests, the parties are to immediately confer in good faith to resolve their dispute. In the event such dispute cannot be consensually resolved, the parties shall submit a letter objection to the Court setting forth the specific objections to the Requests by February 25, 2015 at 12:00 noon.

3. A conference to resolve the dispute, if any, regarding the Requests, and to resolve any other discovery disputes, shall be held on February 26, 2015 at 2:00 p.m.

4. The deposition of Plaintiff by Debtors shall take place on March 19, 2015, and of Morad Yeroushalmi by Plaintiff shall take place on March 17, 2015, and all discovery shall be completed by March 20, 2015. There shall be no further discovery absent a further order of the Court on notice to Plaintiff and Defendants.

5. The parties shall submit: (a) a joint pretrial order, in the form available in the Court's website, (b) exhibits books with Plaintiff's exhibits to be marked with letters and Defendants exhibits to be numbered, and (c) the list of witnesses to be called by each party at trial no later than 5:00 p.m. on April 6, 2015. Witnesses or exhibits not set forth in the joint pre-trial order shall be precluded at trial.

6. A final pre-trial conference shall be held before this Court on April 9, 2015 at 10:00 a.m.

7. The trial on these adversary proceedings shall be held on April 21, 2015 at 10:00 a.m., and shall, subject to the Court's calendar, continue each business day until completed.

8. That subject to the Court's approval, the parties may stipulate to modifications to this Scheduling Order or (in the absence of agreement between the parties) may move the Court accordingly.

9. The parties must be prepared to proceed to trial on the scheduled date. Adjournments of the trial date must be requested no later than three (3) days prior to the scheduled trial date and will be considered only for compelling reasons beyond the control of the parties.

10. That any failure by either party to comply with the dates and deadlines established by this Scheduling Order may result in reasonable and appropriate sanctions against the non-complying party including, but not limited to, the entry of judgment against the non-complying party.

11. Plaintiff has removed a third adversary proceeding, *Janina Y. Davis v. M&M Developer LLC, Moussa Yeroushalmi, Morad Yeroushalmi, Farzaneh Yeroushalmi, MBM Development LLC, and MBM Entertainment LLC*, Index No 109508/2007 (N.Y. Sup.Ct., New York County), Index No. 15-CV-580-DAB (U.S. Dist.Ct., S. Dist. N.Y.). Upon completion of the removal of that action to the United States District Court, and its referral to this Court, this Adversary Proceeding shall be governed by the terms of this order except that

paragraphs 1-4 shall not apply and Plaintiff shall be entitled to no further discovery in the third removed action.

SO ORDERED

Dated: New York, New York
March 9, 2015

s/Michael E. Wiles
Honorable Michael E. Wiles
United States Bankruptcy Judge